



claims against Smart Lease in are **DISMISSED** with prejudice and without costs, disbursements, or attorney's fees to any party.

2. Smart Lease's counterclaims against the Abelmans are **DISMISSED** with prejudice and without costs, disbursements, or attorney's fees to any party.
3. The court concludes based on the referenced Stipulation there is no just reason for delay in the dismissal of the claims referenced in 1 and 2 above becoming final and, pursuant to Fed. R. Civ. P. 54(b) directs the clerk to enter a final judgment of dismissal of those claims.
4. Smart Lease shall have until February 1, 2021, to file its First Amended Complaint. The allegations of the First Amended Complaint shall relate back to May 20, 2016, the date on which the Court entered its order allowing Smart Lease to bring an action against Executive Housing Solutions, LLC, Ray Wurth and Don Gibson d/b/a Executive Housing Solutions, LLC, Ray Wurth, and Don Gibson. (Doc. No. 66).
5. Third Party Defendants Executive Housing Solutions, LLC, Ray Wurth and Don Gibson d/b/a Executive Housing Solutions, LLC, Ray Wurth, and Don Gibson as Defendants shall have 21 days to file an Answer to the First Amended Complaint.

Dated this 27th day of January, 2021.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court